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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221256
Party	Defendant Matter and Form Inc.
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Date	10/23/2015
Attachments	Motion to Amend and Dismiss.pdf(20335 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<b>Form &amp; Matter LLC,</b>	)	
	)	
<b>Opposer,</b>	)	<b>Opposition No.: 91221256</b>
	)	
<b>vs.</b>	)	<b>Application No.: 86/295,070</b>
	)	
<b>Matter and Form Inc.,</b>	)	<b>Mark: MATTER AND FORM</b>
	)	
<b>Applicant.</b>	)	

**APPLICANT’S MOTION TO DISMISS & MOTION TO AMEND APPLICATION**

If the Board agrees to grant Applicant’s Motion to Amend Application as indicated below, then Applicant subsequently requests that the Board Dismiss this Opposition as moot since the International Classes at issue in the Opposition would no longer be a part of Application No. 86/295,070 (the “Application”).

In accordance with 37 C.F.R. § 2.133, Applicant Matter and Form Inc. submits this Applicant’s Motion to Dismiss & Motion to Amend Application (the “Proposed Amendment”). This Proposed Amendment is being submitted to delete International Classes 35 and 42 in the Application.

In the Opposition, Form & Matter LLC only opposed the registration of Applicant’s services in International Classes 35 and 42. Applicant proposes to delete all the services in International Classes 35 and 42 as laid out below. Pursuant to 37 C.F.R. §2.71(a), Applicant hereby proposes to amend the Application only to clarify or limit, but not to broaden, the identification of goods and services. Applicant has provided both a red-lined and clean copy of the proposed amendment.

**Red-lined Copy of Proposed Amendment:**

International Class 9:

Three dimensional printers; Computer hardware, namely, 3D scanners and 3D printers; 3D laser scanners; Hand-held 3D scanners; Computer software to capture and modify 3D images, data and models

~~International Class 35:~~

~~Online retail store for 3D scanners, 3D printers and 3D models and products; Operation of a website featuring business information on industry developments relating to 3D scanning, 3D printing and 3D modeling~~

~~International Class 42:~~

~~Operation of a website featuring information on technological developments relating to 3D scanning, 3D printing and 3D modeling; Creating an online community for artists, modelers and end users to share images, data, models and digital designs for 3D printing, scanning and modeling via global computer networks~~

**Clean Copy of Proposed Amendment:**

International Class 9:

Three dimensional printers; Computer hardware, namely, 3D scanners and 3D printers; 3D laser scanners; Hand-held 3D scanners; Computer software to capture and modify 3D images, data and models

Applicant requests that the above amendment of the Application be entered, this Opposition be dismissed and that the Application be permitted to register solely with the goods in the remaining International Class 9.

WALKER & JOCKE & CO., LPA

By: /s/ Stacy L. Emhoff  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing APPLICANT'S MOTION TO DISMISS & MOTION TO AMEND APPLICATION has been served on following attorney for Opposer, by mailing said copy on October 23, 2015, via First Class Mail, postage prepaid and via electronic mail to:

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/s/ Stacy L. Emhoff  
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Matter and Form Inc.